



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB2436

Introduced 2/15/2008, by Sen. David Koehler

SYNOPSIS AS INTRODUCED:

New Act

Creates the Illinois Religious Freedom Protection and Civil Union Act. Contains provisions regarding the purpose of the Act, religious freedom, and construction of the Act. Provides that 2 adults who enter a civil union, if they are at least 18 years of age, are entitled to all of the same legal obligations, responsibilities, protections, and benefits that are afforded to spouses. Prohibits a civil union between: an ancestor and descendant; 2 siblings; an uncle and a niece or nephew; an aunt and a niece or nephew; and first cousins. Prohibits a person from entering a civil union with a person who is in a marriage or civil union or a similar legal relationship created in another state. Provides that the Director of Public Health shall prescribe forms and documents for entering into a civil union. Provides for dissolution of a civil union under existing laws. Provides that a marriage between persons of the same sex, a civil union, or similar legal relationship, other than common law marriage, legally entered into in another state will be recognized in Illinois as a civil union. Provides for severability.

LRB095 17138 AJO 43194 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 PART I. CIVIL UNIONS

5 Section 101. Short title. This Act may be cited as the
6 Illinois Religious Freedom Protection and Civil Union Act.

7 Section 102. Purpose. The purpose of this Act is to provide
8 committed, adult same-sex and different-sex couples the
9 opportunity to obtain the same obligations, responsibilities,
10 protections, and benefits afforded or recognized by the law of
11 Illinois to spouses.

12 Section 103. Religious freedom. Nothing in this Act shall
13 interfere with or regulate the religious practice of any
14 religious body. Any religious body, Indian Nation or Tribe or
15 Native Group is free to choose whether or not to solemnize or
16 not to officiate civil unions.

17 Section 104. Protections, obligations, and
18 responsibilities. Two adults who enter into a civil union under
19 this Act shall each be entitled to all the same legal
20 obligations, responsibilities, protections, and benefits as

1 are afforded or recognized now or in the future by the law of
2 Illinois to spouses, whether they derive from statute,
3 administrative or court rule, policy, common law, or any other
4 source of civil or criminal law. That remains true even after a
5 civil union has ended for any reason.

6 Section 105. Requisites of a valid civil union. Two adults
7 who wish to enter a civil union shall be subject to the same
8 protections, requirements and conditions imposed on
9 individuals who wish to become spouses by Chapter 750 of the
10 Illinois Compiled Statutes, provided that civil unions shall
11 only be allowed between two persons who are at least 18 years
12 of age.

13 Section 106. Civil unions prohibited. No one can enter a
14 civil union with a person if she or he is, with someone else,
15 still in a marriage or civil union or in a substantially
16 similar legal relationship created in another state. A civil
17 union is prohibited between an ancestor and a descendant; 2
18 siblings; an uncle and a niece or nephew; an aunt and a niece
19 or nephew; and first cousins.

20 Section 107. Forms; documents.

21 (a) The Director of Public Health shall prescribe the
22 forms, documents, and applications for entering into a civil
23 union, pursuant to the analogous provisions of Chapter 750 of

1 the Illinois Compiled Statutes.

2 (b) A copy of the civil union registration from the county
3 clerk or the return provided to the Department of Public Health
4 by a county clerk shall be presumptive evidence of the civil
5 union in all courts.

6 Section 108. Dissolution. Parties to a civil union who wish
7 to dissolve the civil union shall do so pursuant to Chapter 750
8 of the Illinois Compiled Statutes. Any person who enters into a
9 civil union consents to the jurisdiction of the courts of
10 Illinois to dissolve it.

11 PART II. MISCELLANEOUS

12 Section 201. Construction. This Act shall be liberally
13 construed and applied to promote its purpose.

14 Section 202. Severability. If any part of this Act or its
15 application to any person or circumstance is adjudged invalid,
16 the adjudication or application shall not affect the validity
17 of this Act as a whole or of any other part.

18 Section 203. Reciprocity. A marriage between persons of the
19 same sex, a civil union, or a substantially similar legal
20 relationship other than common law marriage, legally entered
21 into in another jurisdiction, will be recognized in Illinois as

1 a civil union.